

**STATEMENT OF**  
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**AIR LINE PILOTS ASSOCIATION, INTERNATIONAL**  
**BEFORE THE**  
**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**  
**U.S. SENATE**  
**ON**  
**AVIATION SECURITY**  
**JULY 25, 2002**

Good morning. I am Captain Stephen Luckey, chairman of the Air Line Pilots Association International's National Flight Security Committee. ALPA is the nation's largest pilot union, representing more than 67,000 pilots who fly for 43 airlines in the U.S. and Canada. We are appreciative of the Committee's interest in the subject of aviation security and for soliciting our views on it.

It is no secret that the Transportation Security Administration is struggling to perform the job that it has been assigned by Congress. The tasks of building a new security agency and complying with the numerous mandates given it are monumental. However, the work has been greatly hampered by the agency's demonstrated unwillingness to coordinate and work with the aviation industry on virtually anything. The recent resignation of the Transportation Security Administration's (TSA's) Under Secretary, John Magaw, undoubtedly creates greater short-term turmoil. However, we are hopeful that under the guidance of the new Under Secretary, James Loy, the TSA will begin to initiate serious efforts to build partnerships with the aviation industry that will lead to genuine progress on needed security reforms.

In my testimony today, I would like to speak to three specific issues that are important to our members, namely, the federal flight deck officer program, access control and identity verification systems, and cargo security.

**Federal Flight Deck Officers**

The subject of arming pilots is one that has generated significant public debate and no small amount of misunderstanding. I am confident that we can build a strong case for our position today, which ALPA was the first to recommend to Congress last September, and at the same time help to clear up some pervasive misconceptions surrounding this topic.

My further remarks contain rebuttals to some of the more common arguments raised against arming pilots, but I would at this time like to rebut the most politically charged argument voiced against this program. That argument says that pilots should not be armed because doing so would introduce tens of thousands of new weapons into our society. This statement is both specious and misleading because the individuals who will bear those arms will be sworn law enforcement officers who are armed for the defense of their limited, cockpit jurisdiction and, ultimately the protection of the passengers for whom they are responsible. We doubt that the proponents of such an argument have given due consideration to its full ramifications, but suffice it to say that we see no point in comparing the arming of sworn federal agents with the arming of the general population.

I would like to offer a perspective on the need for arming pilots that perhaps you have not considered. Eight pilots were killed on September 11th. The deaths of those eight pilots resulted in the transfer of aircraft control from authorized crewmembers to terrorists bent on destroying our country and its people. More than 3,000 people were murdered, billions of dollars of property damage was incurred, the nation's economy was rocked and is still suffering, thousands of people were laid off, and billions of dollars of new spending will be allocated to security both in this country and around the globe for years to come – all because eight pilots were killed. It is obvious, or should be, that protecting the flight deck and its occupants against hijackers is now tantamount to protecting our national economy. We are convinced that the ailing airline industry, which is still profusely hemorrhaging red ink, could virtually disappear if another successful attack is launched against us. If the airline industry takes another downward spiral, it most certainly will harm hundreds of businesses as well.

The real tragedy in all of this is that the hijackings of September 11th were avoidable. More than 40 years ago, during the height of the Cuban hijacking crisis, we called for strengthening flight deck doors and arming pilots, among other measures. In 1961, the FAA amended federal aviation regulations, with Congressional support, to permit pilots to be armed with the consent of their airline but the agency removed that regulatory language in July 2001. Senate bill S. 2554 will restore the framework of, and improve upon, what was so recently removed from federal regulations.

### An Ongoing Threat

To underscore the risks that we face, I would like to pose three questions and follow them with the answers. First, is there still a risk of terrorists assuming control of an airliner and crashing it into a building? The answer that we are hearing from the Justice Department, the Office of Homeland Defense, the TSA and numerous other sources is an emphatic "yes." Transport aircraft, regardless of whether they carry passengers or cargo, must from now on be viewed as potential human-guided missiles if they fall into the hands of a suicidal terrorist. Osama bin Laden's henchmen were remarkably patient, thorough, as well trained as any special operations unit in the world, and employed surprise attacks to great advantage using relatively innocuous weapons that they knew would go unchallenged through security checkpoints. From their

perspective, the operation was a great success, not only in terms of damage, but also with respect to the amount of global media attention their acts garnered. History has shown that terrorists endeavor to repeat successes, so we must prudently assume that our enemies are planning for yet another airliner attack.

Second, if terrorists board an aircraft with the intention of hijacking it, will they be armed only with box cutters as they were before? We think that the answer to that is "probably not." The element of surprise from a box cutter-type attack is gone and small knives are now confiscated at security checkpoints, so we must assume that terrorists will be armed with some other weapons, which could include guns not taken through screening checkpoints and/or undetected explosives.

We have an unfortunate habit in this country of preparing for the type of security breach that most recently occurred – this is the equivalent of locking the barn door after the horse has been stolen. What we must do instead is address, to the best of our knowledge and ability, all of the potential threats that exist, not just those that we have most recently experienced. Many in the airline industry and some in government seem to believe that we should not prepare to counter anything but close-quarters combat by unarmed assailants. Such tunnel vision is foolhardy and leaves us pitifully unprepared for the various types of hijacking attempts that may well lie ahead.

Lastly, do we possess the will to do all that we can to avoid another catastrophe? I can tell you without equivocation that many pilots are willing and prepared to assume the responsibility for training and carrying a weapon. They are willing to do so as both a deterrent against hijacking attempts and as a means of preventing an attempt from becoming successful. The U.S. House of Representatives has demonstrated with its vote on H.R. 4635 that it is resolved to avoid another catastrophe. We believe that the Senate should also take such a stand, which will have a strong deterrent effect against future hijackings and help restore the confidence of the traveling public in aviation.

You may be interested to know that I am one of about a dozen pilots selected in the mid-1970's to be trained by the FBI to carry a firearm while performing my duties as a pilot. My airline's president and the FAA approved that carriage to protect against the hijackings that were prevalent then. From my personal experience, I can tell you that I did not particularly enjoy being armed during the 15 years that I carried a firearm – but it was a duty that I voluntarily undertook. The weapon was worn at all times, which is an inconvenience, and there was definitely an increased level of responsibility and restriction of my activity that went with being armed. However, I thought that it was necessary to be armed then, and I believe that it is even more necessary for qualified and properly trained pilots to be armed now. We could wish that our threat situation was such that it would be unnecessary for pilots to be armed, but the events of September 11th and the ongoing threat of further violence against airlines make it a necessity, in our view.

## Misconceptions

There are many misconceptions about the provisions of S. 2554, although there are fewer now than when we first proposed the arming of pilots. It should be common knowledge, but in case it is not, we have never recommended arming all pilots or making the arming of pilots a condition of employment. Rather, the federal flight deck officer program requires that pilots:

- *Volunteer to participate.* Only pilots who volunteer to subject themselves to individual scrutiny, intense security training, proficiency testing, and the responsibility that goes with carrying a firearm would be allowed to enter the program. Having carried a firearm on the flight deck, I know the challenges that must be met in order to make this program work. Stated another way, however, I know from firsthand experience that arming pilots can work and that doing so in 2002 will merely build on what has been done successfully before.
- *Be selected for training only after meeting strict, federal qualification standards.* Each pilot who volunteers to become a federal flight deck officer would be professionally evaluated, like other federal law enforcement officer candidates, to determine aptitude for carrying and firing a weapon, exercising judgment, using lethal force against an attacker, and other abilities. We do not expect that everyone who desires to be armed will be armed, due to the need to meet the very highest law enforcement standards. However, many in our ranks are former military and law enforcement officers, or have other pertinent qualifications, and are quite familiar and experienced with firearms. Those individuals will make excellent candidates as federal flight deck officers.
- *Undergo training, provided by a federal law enforcement agency, specific to protecting the flight deck.* Candidates should be provided approximately 48 hours of comprehensive training on all subjects pertaining to defense of the flight deck. These would include lessons on the law, the continuum of force, firearms training from a seated position and at close range, tactics and other related topics. We have recommended setting the shooting proficiency standard at 100%, higher than any law enforcement officer is required to meet. Doing so will provide a very high confidence level by the TSA and the flying public that the federal flight deck officer is prepared to protect the flight deck in the safest manner possible.
- *Be deputized as federal officers with jurisdiction restricted to the flight deck.* Pilots would be given jurisdiction only to make arrests and take defensive actions for acts of interference with, or assault upon, the flight crew in the flight deck. Pilots will not be trained to nor tasked with discharging their weapon in the cabin.

## Reasons to Protect the Flight Deck with Federal Flight Deck Officers

Reasonable people may disagree about the need for arming pilots to protect the flight deck, but we are convinced that very strong arguments can be made in favor of creating the federal flight deck officer program:

➤ *It would protect aviation's most important zone of defense – the flight deck.*

The U.S. Secret Service provides protection to VIPs using what they refer to as zones of defense. A VIP is protected by the most concentrated forces within the innermost zone. The flight deck is the inner, and most important, zone of defense for aviation security. Security measures are needed to protect the outer zones, such as explosive detection equipment and better training, but they are not a substitute for protecting the inner zone. Ultimately, if a terrorist is able to penetrate other zones of defense and enter the flight deck, the pilots need the proper resource – in this case, a firearm – to respond forcefully and successfully to such a life-threatening emergency.

➤ *It may prevent the need for a U.S. fighter airplane to shoot down an airliner full of innocent passengers and crewmembers.* An illogical conundrum has been unintentionally created by the Administration's failure to act decisively to arm pilots. Pilots are not empowered to defend themselves against hijackers, but our own fighter aircraft, sometimes flown by military reserve airline pilots, will be dispatched to shoot down an airliner if hijackers gain control of it. We believe that our pilots should be provided the resources that they need to defend themselves against terrorists so that they and their passengers are at less risk of being shot down by our own military.

➤ *It will create a high level of deterrence.* Once terrorists learn that the U.S. has decided to begin arming pilots, commercial aviation becomes a much less inviting target, which is exactly what is needed. Even if only a fraction of the flights have one or more armed flight deck officers, terrorists will be unable to determine which ones are not protected. Ultimately, this deterrence will also reduce the likelihood that a pilot will ever need to fire a weapon while on the aircraft.

➤ *The program will be highly effective and efficient.* The flight deck officer program will not require the creation of a new, paid workforce. We can think of no other countermeasure against hijackings that comes close to the effectiveness and efficiency of using pilots to defend their own workplace. No one has a greater interest in doing so, and no one will take it more seriously.

➤ *Pilots are exceptionally well-suited for protecting the flight deck.* We believe that no one is more highly qualified for protecting the flight deck than pilots. Pilots are undoubtedly the most highly scrutinized employees in the work force, submitting to a battery of pre-employment evaluations, a flight physical every six months,

random drug and alcohol testing, and a criminal history records check, among other formal examinations. Additionally, pilots are constantly interacting with and undergoing *de facto* monitoring by their airline's management, their peers, FAA personnel, and others.

Pilots' high level of discipline, attention to detail and ability to adhere to strict, standardized protocols lend very favorably to proficiency in safe, firearms handling. Furthermore, many pilots have former law enforcement or military backgrounds. We doubt that anyone is prepared to raise a reasonable concern about arming an airline pilot who formerly served as an FBI special agent or decorated special forces operative – these are the kinds of individuals who are prepared to serve as federal flight deck officers.

➤ *The public supports it.* Numerous polls of the general public have been taken to gauge support for arming pilots. Each of the polls that we have seen has indicated a high level of approval for letting pilots defend themselves in their workplace. This is in spite of the fact that the citizenry has little, if any, knowledge of the safeguards that will be built into this program. Returning the airline industry to strong profitability and growth depends on bringing passengers back to the airplanes. Passengers are unlikely to return to pre-September 11th traffic levels unless and until they are confident about security. The passengers will not gain that confidence until they see evidence that pilots express the view that they are well equipped to counter any hijacking attempt.

#### Rebuttals to Arguments Against Arming Pilots

It has been our experience that the more an individual knows about the federal flight deck officer program, the more likely they are to support it. We have found this to be true even within our own ranks. Those who are less familiar with the program have raised several arguments against arming pilots that deserve to be addressed. Following are a few of the more commonly raised arguments against a flight deck protection program, and our answers to them.

➤ *New cockpit doors make arming of pilots unnecessary.* The newly designed, enhanced-security doors that are required by the FAA are not yet installed on the U.S. airline fleet, and that task will not be completed until at least April 2003. Neither the current cockpit doors (with interim measures in place to strengthen them) nor the new cockpit doors are impenetrable, and we are convinced that a team of trained terrorists could well decide to prove that point.

Furthermore, airliners will have only one hardened cockpit door – a door which must be opened during flight to enable the pilots to use the lavatory and gain access to the passenger cabin as required for other purposes. Any passageway into the cockpit, no matter how well fortified, still holds the potential of a threat to the flight

deck.

➤ It is worth noting that the respected airline El Al uses two doors on all of its aircraft to protect the flight deck, along with a team of air marshals on each flight and an armed guard who protects an entrance zone in front of the door near the passengers. Per El Al procedures, the doors are never opened simultaneously to help ensure that unauthorized access to the flight deck is denied. While we strongly support the installation of a new, hardened flight deck door on U.S. aircraft as an additional layer of security, we should not fool ourselves into thinking that they are sufficient to protect the flight crew under all circumstances.

➤ *The cost of arming and training pilots is too high.* There is no question that there will be some expense associated with training pilots and equipping them with firearms. The program that we envision would require 48 hours of intensive training and recurrent proficiency training. However, from the research that we have done on this issue, the cost of training and equipping pilots to carry firearms is the most efficient and cost-effective measure that the airlines can take to guard against further hijackings, bar none. In fact, these costs will be a mere fraction of the billions proposed for other, less effective security enhancements. S. 2554 even proposes that the government pay the cost of training, which relieves the airlines from any cost concerns. Lastly, we must consider how many billions of dollars have been drained, and will be drained, from the national economy because airline pilots were not armed on September 11, 2001.

➤ *Airlines face liability if an armed pilot makes a mistake.* This concern is satisfactorily addressed in S. 2554 by pre-empting liability of the carriers and pilots for actions relating to protection of the flight deck.

➤ *Pilots are too busy flying the aircraft to use a gun.* Pilots are trained to do numerous tasks simultaneously – individuals who cannot do so are unable to become airline pilots. One of the tasks that they must be prepared to perform is using fire extinguishers if a fire breaks out in the cockpit, regardless of other pressing duties. A suggestion that pilots should ignore the fire and continue to fly the aircraft would be ludicrous; yet some have suggested that pilots should ignore terrorists breaking into the cockpit and continue to fly the aircraft. To be blunt, it is very difficult to fly an airplane when someone is actively trying to kill you, and impossible if they are successful.

➤ *An accidental discharge could damage the aircraft and/or injure someone.* This country made a decision approximately 40 years ago that use of firearms by airborne federal officers was necessary to protect against hijackings. Some of the arguments that have been raised against arming pilots must, to be consistent, also be raised against armed Federal Air Marshals (FAMs), namely: bullets could pierce the

fuselage and cause rapid decompression; an accidental discharge could injure or kill someone; or, an aircraft system could be damaged by gunfire. We have, rightly so, made a decision to accept those potential outcomes as manageable risks because there is a need for an armed law enforcement presence onboard the aircraft. No one has more knowledge of what can happen on the aircraft, nor will anyone be more conscientious about using a firearm onboard, than the pilot.

Further, contrary to Hollywood movie depictions of aircraft exploding in midair as a result of the discharge of a firearm in the cabin, virtually no danger exists that multiple gunshots could cause rapid decompression of a transport-category aircraft. The shooting proficiency that we recommend for the flight deck officer program exceeds that of federal law enforcement agents in order to minimize the possibility of a stray round hitting an innocent passenger or crewmember. If a weapon did cause rapid decompression during a struggle for control of the aircraft, that event would pale in comparison to the plane crashing into a building and killing all on board.

➤ *Federal Air Marshals (FAMs) on airliners make arming pilots unnecessary.*

ALPA has historically been a strong supporter of the FAM program, and we envision the flight deck officer program as an extension of the FAMs. However, the number of FAMs is limited and will certainly never be sufficient to provide protection on each flight. Furthermore, a large band of terrorists could overpower the FAM team – difficult though that might be – and turn its attention to the flight deck, using the FAMs' weapons. Ultimately, the flight crew must be able to defend the cockpit regardless of what other resources may be in the cabin.

➤ *We need to keep guns out of airplanes.* Incredibly, even a former high-ranking transportation official recently expressed this view on television. The truth is that law enforcement officers carry many weapons on our airplanes every day of the year with very few problems. Furthermore, a significant percentage of our members are former military and/or law enforcement officers who have defended this country and its neighborhoods using firearms. To suggest that these brave men and women should not be entrusted with lethal means to defend the flight deck against a lethal threat is, intentional or not, highly insulting to them. The argument to keep guns out of airplanes is also nullified by our nation's decision to place armed FAMs on flights, as we have already said. To reiterate another previous point, the debate about arming pilots is really one about arming sworn federal officers who are responsible for flying the aircraft.

➤ *No more terrorist attacks like those experienced on September 11th will occur.* This sentiment is merely wishful thinking and cannot be substantiated. In fact, the intelligence community and the TSA strongly indicate that the threat to aviation is still very high.

## Federal Flight Deck Officer Program Specifics

S. 2554 recognizes that an evaluation of the specifics of this program is needed, to include selection of the best alternative from several feasible options in the areas of selection and training, tactics, and weapon carriage and stowage. In anticipation of the program's development, we would like to offer some preliminary recommendations on these issues, some of which are addressed in the pending bill.

### Selection and Training

- In concert with ALPA's One Level of Security goal, the program should be available to every commercial airline pilot, regardless of the size of the aircraft or whether it carries passengers or cargo. No arbitrary limits should be placed on the number of pilots allowed to fly armed.
- Weapon custody policy should be designed to be as practical as possible, while accomplishing the goal of effective lethal force cockpit protection.
- Pilots volunteering for the program should be chosen in a manner similar to that used to select any federal law enforcement officer, including suitability for application of lethal force.
- Training should include instruction on basic safety, weapon maintenance, retention, liability, force continuum and other appropriate subject matter, as is provided to federal law enforcement agents.
- Training should be limited to the scope of protecting the flight deck.
- The live-fire portion of training should be designed for the surgical application of lethal force at distances appropriate to protecting the flight deck.
- Flight deck-specific Fire Arms Training Scenarios (FATS) should be created to provide virtual shoot/no-shoot exercises to help teach the student judgment concerning use of the weapon.
- Simunitions (i.e., high-tech paint balls shot from a firearm) training, which is used by the FAM program, should be provided for live "perpetrator" assaults in a cockpit simulator using modified versions of the officer's actual firearm. This realism would be an excellent tool for building confidence and teaching judgment.
- All training required by the program can be accomplished in a week, with approximately 48 hours of instruction. A longer program will pose increased

scheduling difficulties for the pilots and airlines involved.

- The firearm should be individually issued and available for training and proficiency. Pilots will be encouraged to maintain proficiency on their own time. Shooting proficiency re-qualification should be conducted at least annually, but semi-annually or more frequently is preferred.
- The care of the firearm should be the responsibility of the individual, with the exception of parts replacement and other periodic armory maintenance.

#### Tactics

- The firearm is viewed as an additional, essential piece of emergency equipment. The pilot should be trained to a demonstrated level of proficiency.
- The firearm will be deployed in the same fashion as any other piece of emergency equipment. In accordance with standard operating procedures, the pilot not flying (PNF) will be responsible for responding to a terrorist attack and the pilot flying (PF) will fly the aircraft.
- The firearm will be used exclusively to defend the flight deck.
- Training will include different types of tactical responses, to reflect the types of assaults that may be encountered.
- Lethal force will be used with surgical precision against assailants who are at very close range. Multiple assailants wearing some type of body armor will be expected and tactics appropriate to defend against such individuals will be deployed.

#### Weapon Carriage and Stowage

- There are many types of holsters and other retention devices available, depending on the selected tactical approach. The chest pack appears to be a practical solution for rapid deployment and comfort. There is an accommodation for an additional magazine in this device.
- The standard method of weapon custody by law enforcement agencies calls for the individual to carry the weapon on his person at all times. This may not be the most practical approach for pilots, considering the limited scope of flight deck protection and the implication of carrying the weapon frequently while deadheading. ALPA has suggested that firearms could be stored on the aircraft, in airline flight operations areas or carried at all times. Airlines, with pilot input, should determine what type of weapon carriage works best for their operation. This may be dependent on the type

of aircraft flown and other variables.

- FAMS use a locked box to store their weapons while laying over on international flights. Such a storage paradigm may be useful for airline pilots, who already store their flight bags in operations facilities at overnight airports.
- Protection against accidental discharges (ADs) is a primary consideration and must be kept foremost in mind for purposes of training, weapon selection and stowage decisions.
- Most ADs occur when the status of the weapon is checked or changed, primarily when loading and unloading. Maintaining the weapon in operational status has historically proven to be the safest option.
- The firearm should be available for practice and proficiency training for the pilot.
- There are several options available to address the challenges inherent in weapon carriage. There are devices that render the weapon into non-gun status, plus locks and containers designed to limit access to them by unauthorized persons.
- International operations require separate considerations. Some or all of these may be solved by means of bilateral agreements currently in place and used by FAMS.

### **Access Control and Identity Verification Systems**

ALPA has been promoting the need for positive, electronic verification of identity and electronic airport access control systems since 1987 – shortly after the downing of PSA flight 1771 by an armed, disgruntled, former airline employee. This mass murder, which bore similarities to the hijackings of September 11<sup>th</sup>, was attributable in large measure to identity-verification inadequacies that have yet to be addressed 14 years later.

At ALPA's urging, the FAA required approximately 200 of the largest commercial airports to install computerized access control systems in the late 1980's and early 1990's. However, in spite of the entire aviation industry's arguments to the contrary, the agency failed to (1) create a detailed set of performance standards for use by the airport operator community and (2) provide for the access control and identification needs of the transient airline employee population. As confirmed by the GAO in a 1995 report, this mismanagement was, and still is, expensive for the airports and airlines – the initial estimate of about \$170 million for access controls actually rose to more than \$600 million, and the figures continue to climb. There are also numerous costs that are difficult or impossible to compute stemming from the inefficiencies related to transient airline employee's lack of access at airports.

In the mid-1990's, the FAA, at ALPA's urging and with congressional funding, conducted a

test of what came to be called the Universal Access System (UAS). Two million taxpayer dollars were spent on those tests involving two major airlines and four large airports. For all practical purposes, those funds were wasted. Although the FAA completed successful tests of the UAS and standards were finalized for the system in 1998, there was no implementation by any airline of the system, per stated congressional intent. This failure came as a result of an FAA policy to leave UAS implementation to the sole discretion of the carriers.

Although magnetic stripe technology was used as the basis for UAS tests, there are now several advanced, mature technologies that could be used to positively identify authorized personnel. FAA last year completed a study of a smart card-based system for identifying armed law enforcement officers. The Department of Transportation (DOT) has begun the development of a multi-modal Transportation Worker Identification Card (TWIC) system that is also based on the smart card.

Smart card technology is much more secure than magnetic stripe technology and has the additional capability of storing an extensive amount of data that can be used for both security and other types of uses. We have identified a number of applications for these cards within a UAS or TWIC system, including:

Armed Law Enforcement Officer (LEO) identity verification. It is very disturbing that the TSA has failed to implement a system for positively verifying the identity of armed LEO's who travel on commercial aircraft. Because of this failure, it is impossible to know with confidence that each person who brings a firearm onto our aircraft are actually employed as a police officer, Federal Air Marshal or federal agent. News reports indicate that Al Qaeda has a copy of the GAO's 2000 report on access control deficiencies at federal office buildings and airports, so they are aware of our system's weakness in this regard. A smart card system, or its equivalent, is needed to address this ongoing hazard.

Electronic manifest and positive passenger-bag match. Smart cards could also be used effectively to create an electronic manifest for each flight. The card would be presented by the traveler at the ticket counter, at which time flight and baggage data for a particular flight would be recorded on the card. The card would then be read at the gate as the passenger boards to create a highly accurate manifest and log a passenger onto the airplane.

This information could also be used in connection with a positive passenger-bag match system to, among other things, (1) positively identify each person and bag on the aircraft (2) reduce the potential of boarding someone who has not been through screening (3) create a strong deterrence against fraudulent ticketing, and (4) quickly identify a bag(s) that must be removed in the event that its owner does not board the flight.

Federal employee access control and identity verification. The President's

budget for FY 1998 called for adoption of "...smart card technology so that, ultimately, every Federal employee will be able to use one card for a wide range of purposes, including travel, small purchases, and building access." The General Services Administration has facilitated significant progress toward that goal for federal agency facilities. However, airports should also be equipped to enable smart card access by the tens of thousands of new federal employees of the TSA, current FAA and NTSB inspectors, and others.

Positive access control for all employees who work at the airport, not just non-transients. Airline pilots and other transient employees currently rely on a very non-secure method of moving around airports, which creates the potential for security breaches. Specifically, they request airport-based, company employees to open doors for them as a courtesy based on their possession of an airline ID card. As we know, ID cards and uniforms can be fraudulently used to gain access, which underscores the need for electronic verification.

Positive verification of identity at the screening checkpoint to enable transient employees to be processed more quickly. Airline passengers are enduring long lines at the security screening checkpoint. These lines are made longer by the screening of pilots, flight attendants and other individuals in positions of trust, who are often screened several times a day. The lack of equipment for positively identifying these individuals wastes limited screening resources and further inconveniences the traveling public.

Identity verification of jumpseat riders. Use of the flight deck jumpseat by commuting pilots is an absolute necessity in today's airline environment. Unfortunately, that privilege has been severely curtailed since shortly after the terrorist attacks because there is no way to positively verify the jumpseat requester's identity and employment status.

A platform for digital pilot licenses and medical information. Consistent with a provision in the Aviation and Transportation Security Act of 2001, we recommend that the UAS/TWIC card also be used by the FAA for containing a pilot's license and medical information. ALPA is working with FAA Flight Standards on this concept. Smart cards have more than sufficient memory for this purpose and others that the airlines may develop.

This past March, eight of the major aviation organizations, including ALPA, wrote to the Director of the Office of Homeland Security and the Under Secretary for Transportation Security to recommend action on the TWIC program, which is languishing. Specifically, we recommended the establishment of an independent, not-for-profit organization of stakeholders – TSA, OHS, other government agencies, airports, airlines, labor, equipment manufacturers, system integrators, et al. – which would be tasked with the development and testing of all

necessary specifications, rules and principles, subject to final approval by the government. This concept is analogous to the coordinated entities which created the banking industry's ATM card system and the ongoing efforts of the non-profit RTCA to develop specifications minimum operating standards for commercial aircraft avionics.

No response has been received to this letter to date, but we are convinced that our recommendation to create a standards organization is a very valid one. We are greatly concerned that the TSA's current direction on TWIC will produce a massive government system that will be very cumbersome, expensive and unresponsive to aviation's needs. We strongly solicit the Committee's support in our endeavor to create a policy and technical standards organization for the TWIC.

## **CARGO SECURITY**

A few years ago, ALPA embarked on a successful campaign to achieve One Level of Safety for all commercial airlines. We are currently promoting a similar objective, One Level of Security, to obtain an equivalent security environment for all commercial operators, regardless of the size of aircraft they fly or whether they transport passengers or cargo. The Aviation and Transportation Security Act's provisions were mainly directed toward passenger operators, however, we believe that additional consideration needs to be given to cargo operators. The TSA has noted that "the events of September 11, 2001, demonstrate the ability to use aircraft to endanger persons on the ground. An aircraft so used is just as dangerous whether it holds cargo or passengers."

We believe that serious security vulnerabilities exist in the cargo sector of the transportation system. The TSA recently required all-cargo operators to adopt a security program, which is a step in the right direction. However, those operators who had maintained a voluntary security program under FAA oversight were "grandfathered" into a "limited" security program which provides the lowest level of security cited in the regulations. Conspicuously absent in the limited security program for cargo operators is any kind of requirement governing acceptance and screening of cargo, as an example.

Some of our other primary concerns that are specific to cargo security include:

Captain's authority. Some cargo operators allow their employees to ride in seats located outside the flight deck as a means of saving money on airfares, and as an employee benefit. The management of one large cargo airline is currently challenging the captain's authority to determine whether employees may be prohibited from carriage on his airplane due to security concerns.

Carriage of employees and other personnel. Related to the issue of captain's authority, cargo airlines may carry non-employees in the back of the aircraft to perform certain duties. An

example of such non-employees would be animal handlers, who may board the aircraft with firearms, large hypodermic needles and other items that could conceivably be used against the flight crew. Some carriers' procedures call for the captain to leave the door unlocked (on those aircraft that have doors installed) when a flight crewmember leaves the flight deck to visit the lavatory or galley. There are frequently no known, trusted individuals onboard the aircraft to assist the flight crew by securing the door in such cases.

Security Identification Display Area. The airport operators, in consultation with passenger airlines and with the approval of the TSA, creates SIDA boundaries inside of which everyone is required to wear an identification badge and be subject to challenge if such badge is not visible. Cargo operations are not normally included within the SIDA, unless they happen to be conducted inside of passenger airline operational areas. Access to these aircraft on isolated parts of the airport is easily accomplished – reports from our pilots indicate that security monitoring, surveillance and screening procedures around cargo aircraft are minimal at best. This creates the potential for terrorist sabotage, hijackings, and other types of security violations.

Cargo screening. There is no requirement for items carried aboard cargo airliners to be screened – these operators implement the “known shipper” concept instead. This fact gives rise to the potential for numerous ways in which security may be breached, which includes the carriage of explosive devices. One scenario that we have envisioned is for terrorists hidden in a container to be boarded on a cargo aircraft, without knowledge of the crew. Another problem is that screening is not conducted for chemical or biological agents, like anthrax. We are aware of a shipment of a radioactive substance from Sweden to Louisiana earlier this year that emitted radiation through its container at very dangerous levels.

While we recognize the financial and logistical implications of screening all cargo, there is surely a reasonable and practical approach to enhancing this area of security that can be applied to begin improving the status quo. Cargo operators that rely heavily on a “known shipper” concept as a single prevention and deterrence strategy ignore the fact that such a system may be compromised by fraudulently obtaining a bona fide customer account number.

Accordingly, we offer our support for S. 2656, a pending bill that would require the TSA to develop and submit a detailed plan on cargo security. We recommend that this bill include a provision for consultation with pilots and others who have direct knowledge of cargo-related security needs in the development of this plan. We also support S. 2668, another pending bill that addresses the security of cargo carried by passenger and all-cargo operators.

## **PENDING SENATE BILLS**

Following are some brief comments on several pending bills before this Committee.

S. 1980, Training program for all airline personnel responsible for checking passenger identification, and for other purposes – We wholeheartedly endorse the concept of positive verification of passenger's identification. However, there are so many forms of identification, and so many ways to easily create fraudulent credentials, that we believe that it is practically impossible to create a training system that will produce the kinds of results that are desired. A trusted traveler program, whereby an individual voluntarily submits to background checks and identity verification, is an alternative concept for this same objective and it is being pursued by numerous airlines.

We also endorse the concept of using biometrics for identifying passengers, but we believe that such technology should first be used for employees, as they have much greater access to secured areas than do passengers.

S. 2497, To prohibit the opening of cockpit doors in flight – In order to comply with various federal aviation regulations, and meet physiological needs, it is necessary for flight crews to open cockpit doors while in flight. The bill's provision for a mantrap, therefore, is certainly one that ALPA supports in order to enhance flight deck security and the security of flight crewmembers.

S. 2554, Arming Pilots Against Terrorism and Cabin Defense Act of 2002. As discussed previously, ALPA fully supports this bill and urges the Committee to ensure its passage by the full Senate.

S. 2642, Background checks of alien flight school applicants. We support the intent of this bill to require background checks for alien student pilots.

S. 2656, Cargo security. We support the intent of this bill, as noted previously, and recommend the inclusion of a requirement for the TSA to consult with affected pilot organizations in the development of the security plan required in this bill.

S. 2668, Air cargo security act. ALPA supports the intent of this bill, as noted previously.

S. 2686, Airport employee whistleblower protection. We endorse the broadening of whistleblower protection to cover certain additional classes of employers, including the federal government, of security screeners.

Thank you for the opportunity to present this testimony. I would be pleased to respond to any questions that you may have.